

CONSULTATION PAPER

REVIEW OF ELECTIONS TO COUNCIL

1. Background.

- 1.1 The initial Council of Members for the Canal & River Trust was appointed on 28 March 2012. Information on the role of Council is available on the Canal & River Trust [website](#).
- 1.2 In the current Council of up to 35 members, 7 were elected to their positions. 4 members represent boaters, 2 members represent boating business and 1 member represents staff. The elections, which were the first for the Canal & River Trust, ran between December 2011 and March 2012 (*see Para 2.3 below*).
- 1.3 The full make-up of Council is set out in **Annex 1**. Members of Council are appointed for 4-year terms. The term of office for the current elected members will conclude in March 2016.
- 1.4 The [Articles of Association](#) provide for a Council of up to 50% elected members. The number of elected members will increase as suitable constituency databases are developed. We intend to run an election, amongst the Friends of the Trust, for one of the Friends to serve as a member of Council from September 2014. This will fill the last place available on Council bringing the total number of members to 35. In 2016, when there will be elections for Boater, Boating Business and Staff members, we will also run an election for a member to represent Volunteers. This elected seat on Council will replace the current Nominated seat.
- 1.5 The Appointments Committee, a joint committee of 3 Trustees and 3 Council Members, is undertaking a review of the first elections. The review is led by Lynne Berry, Trustee and Clive Henderson, Council Member, with the support of Nigel Johnson, Corporate Services Director and Roger Hanbury, Head of Governance Services.
- 1.6 At the conclusion of the review, we will have a set of conclusions and recommendations to guide the Appointments Committee in the conduct of future elections.
- 1.7 **This paper reviews the first election and highlights a number of issues and options for future elections. We will welcome comments on these specific issues and other general matters relating to how the election is promoted and managed. Submissions should be sent to roger.hanbury@canalrivertrust.org.uk by 14 February 2014.**

2. Review of the first election and issues raised.

- 2.1 The first elections were run by Electoral Reform Services (ERS). Their guidance and credibility in authenticating the election process helped ensure success. However, there are lessons to learn and improvements to be made. The following is a brief review of the main points which have come to the fore thus far.
- 2.2 **Numbers of Candidates standing for election.**

In the first elections there were three constituencies: Boater, Boating Business, and Staff. The sizes of the electorates and sponsorship requirements for each election are set out in **Table 1** below.

Table 1: The 3 electorates, nomination requirements and numbers of candidates in 2012

Election	Size of Electorate	Number of places on Council	Numbers of sponsors required for each candidate	Number of candidates standing
Boater	28805	4	10	33
Boating Business	1036	2	5	5
Staff	1751	1	5	9
Total Electorate	31592	7		47

A number of people felt there were too many candidates in the **Boater election**. Electors had difficulty in digesting the manifestos and differentiating the candidates. In this large field of candidates, votes tended to be cast for a relatively small number of candidates:

- 80% of voting papers cast had preferences for 8 or less candidates
- 54% of voting papers cast had preferences cast for 4 candidates or less
- 5 candidates each received less than 1% of the first preferences cast

In the **Boating Business** election all candidates each secured at least 10% of the first preferences cast, although in the **Staff** election 6 candidates did not achieve this threshold.

2.2.1 Issue 1 – Nomination Rules for Election Candidates

In future elections we could modify the nomination requirements or set other thresholds. Options include:

- Option 1 Revised nomination requirements for candidates standing for election:** for example, the number of sponsors in the Boater election could be increased from 10 to 20 sponsors, or another figure
- Option 2 No change** to nomination requirements

Issue 1 – Nomination Rules for Election Candidates

We would welcome views on the two Options and any other changes that should be made in the rules for candidates.

2.3 Time plan for elections.

The elections were held between December 2011 and March 2012 to the time plan set out in **Table 2** below.

Table 2: Time Plan

Stage	Date	Duration days
Pre-election mailing	5 December 2011	7
Nominations opened	12 December 2011	37
Nominations closed	Noon Wednesday 18 January 2012	
Voting opened	8 February 2012	30
Voting closed	Noon on Friday 9 March 2012	

These were the first elections conducted against a tight timescale to meet the initial target date for the launch of the Trust, then expected in April 2012. In future we will have time to raise awareness amongst the electorates in the preceding 6 months – well in advance of the election – as part of a comprehensive communications strategy (*see 2.5 below*).

Issue 2 – Time Plan

Comments are invited on the time plan and any changes that should be made for future elections to improve awareness of the electoral process.

2.4 Turnout.

ERS have advised us that in comparison to other similar elections, turnout for our elections was good.

Table 3: Voter turnout 2012 elections

Election	% turnout of electorate
Boaters	26
Boating Business	37
Staff	44

In future elections we want to improve turnout and will support this with communications before and during the election.

Issue 3 – Turn out

Comments are invited on any specific measures that would help improve turnout.

2.5 Communications and support for prospective candidates and electors.

All electors received pre-election briefings by post in the run-up to the elections and we used a variety of media to ensure that all electors were aware of the elections, eligibility to stand for election, and the processes for nomination and voting.

During the nomination and voting phases of the election, about 100 enquiries were made by prospective candidates and voters. Questions were raised about the voting system, eligibility and other administrative matters.



To support future elections, the Trust will put in place a comprehensive communications strategy making use of newsletters, the press, social media, the website and email to provide information on

- the forthcoming elections
- the role of Council
- the role of Elected members
- how the election process will work
- key information as each stage of the election opens-up and develops
- details of support information and helplines available to candidates and electors

Issue 4 – Communications and support for prospective candidates and electors

Comments are invited on how we can improve communications and support candidates and electors in future elections.

2.6 Online election.

We intend that future elections will be online and all communications by email or electronic media. This was not possible in the first election as we did not have comprehensive contact information nor sufficient time to develop the communications and systems needed to support an online election.

The 2012 elections incurred substantial costs of about £35k in postage and printing plus administration costs relating specifically to processing a paper system. These costs could increase significantly when elections for Friends and Volunteers are run in future years. Most of these costs could be avoided in an online election.

We therefore see two Options:

Option 1 – Online election

With growing use of the internet and electronic communications, which we may anticipate will have developed further by 2016, we see the move to an online election as a natural step.

A move to an online election for 2016 would include the following:

- **All potential electors** will be asked to provide an email address when they sign up as customers or renew boat or business licences. This information is already collected when Friends and Volunteers commit to support the Trust
- **Those who do not have a personal email address or access to the internet** will be encouraged to work with a friend or buddy who has internet access so we can communicate by email and electors can vote. We will also ask boating and other waterway associations to provide this facility for their members
- In the **6 months before the election** we will use newsletters, the press and social media to make sure there is wide awareness of the forthcoming elections
- **3 months before the election** all those who meet the eligibility criteria for each election will receive a notice of the election and preliminary papers by email



- The Trust will set up a **simple, secure, web-based system** to include the following facilities:
 - **Candidate nomination and sponsors** – each candidate standing for election would enter their details online and their sponsors would confirm their support online
 - **Helpline** assistance for general enquiries and to assist with nomination and voting stages. There will also be a telephone Helpline
 - **Candidate manifestos** would be available online
 - **Pre-election explanatory information** on the election process circulated to all registered voters by email and available online, and
 - **Casting of all votes** – eligible voters will cast their votes online. There will also be a facility to cast votes by telephone
 - **Email communication** – all personal communication between the Trust, voters, candidates and sponsors would be by email
 - the integrity of the **electoral process** would be overseen by ERS, or another credible independent organisation

In future years we will expand the number of elections from Boaters, Boating Business and Staff to groups such as Friends and Volunteers. An online election will enable us to extend the democratic representation on Council without excessive cost, and provide voters with a system that is accessible and easy to use.

Option 2 – no change – retain an option to vote by post alongside an online system. Retention of a paper-based option will incur the vast majority of print, postage and administration costs and will be a significant burden on the Trust's cash and staff resources.

Issue 5 – Online Election

Comments are invited on the two options above and any additional measures that are needed to help ensure that everyone who is eligible is able to take part.

2.7 Electoral method.

The first election was run using the **single transferable vote** (STV). While some people found the theory behind STV difficult to understand, most accepted the expertise of ERS who are a recognised authority in these matters.

Under the Trust's rules, the election of Council members is by proportional representation and this can be achieved by STV or other method.

Issue 6 – Electoral method

Comments are invited on the Electoral method for future elections.

2.8 Election principles.

For simplicity, the rules for the first elections were determined on the basis of established practice for mutual organisations: thus,

- **Voters were permitted to vote in one election only.** We worked to a hierarchy where the owner of a boating business who also had a private boat licence could vote only in the Boating Business Election; a member of staff who also had a private boat could only vote in the staff election
- **One vote was allocated per customer** – thus owners of more than one boat, and boats in shared ownership (including family members and couples) were allocated one vote. Likewise, joint business owners had one vote
- **Votes were allocated on the basis of a stake held in the Canal & River Trust irrespective of the size of that stake.** So one vote was allocated to the owner of a boat irrespective of the type or number of boats owned; one vote was allocated to a boating business whether large or small

These principles are simple, easily understood and can be managed and administered at reasonable cost. They can also be applied consistently and without complex change to any additional future elections set up for Volunteers and Friends.

We have also taken advice from ERS who have confirmed that these principles are sound and in line with their experience in other organisations drawn from the 2000 elections they run each year.

Whilst we do not see the need for major changes, we have identified some areas where we need to clarify the rules. It is important that any changes better serve the interests of the Canal & River Trust without incurring substantial additional cost.

We would welcome views on proposed changes for 2016 particularly in the following areas.

2.8.1 Issue 7 - Rule relating to eligibility to vote in more than one election.

For future elections we need to clarify the rules that applied in 2012 so we have a clear position which can be applied to additional elections.

We have taken the advice of ERS who tell us that in circumstances where a voter is eligible to vote in more than one election, it is unusual for eligible voters to be able to take part in more than one election.

For example, in some Hospital Foundation Trusts, an individual could qualify in elections for both Patient and Public representatives. Where this happens the elector is required to nominate the one election in which they wish to vote. If CRT applied this rule in the elections for the CRT Council, a voter who is eligible to vote as a Boater, Friend and Volunteer would have to specify which **one** of these three elections they would like to vote in.



ERS referred to only one example where voting in more than one election is permitted: the Law Society runs elections for their Council and allows voters who are eligible in more than one constituency to vote in each. This approach offers simple administration and avoids any complications that would arise when elections are held on different dates or as electors progressively add areas of involvement in the Trust – as Boaters, Friends and Volunteers – over a period of time.

There are two main options:

Option 1 – multiple vote option – we could change the rules so that electors can vote in **all** elections where they meet eligibility criteria – for example, a boater who also owns a boating business would be able to vote in both elections. When elections are set-up for Volunteers and Friends of the Trust, or any other elections, he or she would also be able to vote in these as well, if the criteria to vote are met.

Option 2 – single nominated vote option – the rules would be changed to require that individuals who meet the eligibility criteria in more than one election must nominate **one** election in which they wish to vote. This would be done well in advance of the election day.

Issue 7 – Rules relating to eligibility to vote in more than one election

Comments are invited on these two Options.

2.8.2 Allocation of votes in the boating election.

In response to feedback from the 2012 election, we have identified 2 issues on which we would like feedback.

Issue 8 - multiple boats registered with the same owner.

Option 1

Owners of multiple boats – we could change the rules so that votes are allocated on the basis of the numbers of boats owned per customer. Thus a private owner of a boat and butty would have 2 votes.

Option 2

No change – continue to allocate one vote per customer irrespective of the number of boats owned.

Issue 8 – multiple boats registered with the same owner

Comments are invited on these 2 options in relation to how many boats are owned.

2.8.3 Issue 9 – Boats in joint ownership.

Option 1

Joint ownership of boats – we could change the rules so that the first **two** persons named on the boat licence with the Trust are each allocated a vote. Thus, in the case of a boat in joint ownership each would have a vote. If ownership is shared by more than two people, only the first two named on the licence would have a vote.

This option would help to deal with the current imbalance in access to voting as most licences are in the name of a man, or if in shared ownership, a man is likely to be the first named.

Option 2

No change – continue to allocate one vote per customer irrespective of the number of boats owned or owners.

Issue 9 - Boats in joint ownership.

Comments are invited on these two options relating to ownership.

2.8.4 Issue 10 – Allocation of votes in the Boating Business Election.

A wide range of businesses are included in the definition of Boating Business. They vary in size and constitution and include sole traders, partnerships and incorporated companies. Businesses include:

- Marina and moorings operators
- Boat builders
- Boat clubs
- Hire boat operators
- Hotel boat operators
- Passenger/Restaurant boat operators
- Brokerages and Chandleries
- Trading boat operators

Businesses in these categories which have a contractual arrangement with the Trust are eligible to vote and allocated one vote.

In addition, officers or employees of a trade association or individuals that represent the interests of boating businesses but do not have a contractual arrangement with the Trust, are eligible to stand for election but cannot vote.

The arrangements for allocation of votes to Boating Businesses are clear, straightforward, easily understood and administered. At the present time we do not propose to change these arrangements for the 2016 elections but would welcome feedback.



Issue 10 – Allocation of votes in the Boating Business Election.

Comments are invited on whether any changes are needed to ensure businesses with an interest in the Trust are properly reflected in the electoral process.

2.8.5 Issue 11 – Boaters eligibility to vote.

In 2012, to be eligible to vote, **boaters** were required to hold a 12-month boat licence valid on the day nominations closed.

For 2016 we are considering extending the eligibility to vote to include holders of 3 and 6-month licences. The options are:

Option 1 – revised voting eligibility criteria for boaters – we could change the rules so that to be eligible to vote boaters must hold a valid boat licence on the 1st day of July in the year prior to the election. This can be a 3, 6, or 12-month licence.

Option 2 – no change – to be eligible to vote, boaters must hold a 12-month boat licence valid on the day nominations close.

Issue 11 – Boaters eligibility to vote.

Comments are invited on these expanded revised eligibility criteria.

2.8.6 Issue 12 Exclusions.

In 2012, to be eligible to vote **boaters** were required to hold a 12-month boat licence valid on the day nominations closed. This may be varied in 2016 in line with Issue 10 above, subject to consultation.

Boating Business electors and candidates were required to hold a commercial agreement with British Waterways (BW) for the operation of a boating-related business on a BW/CRT waterway on the day nominations closed, or be an officer or employee of a trade association, or an individual that represents the interests of boating businesses.

Those elected to Council were required to maintain their licence or agreement, or their status in representing boating businesses throughout their term of appointment.

For 2016 it is proposed that we strengthen these requirements by adding a general provision that licence and agreement holders in arrears or otherwise in breach of their contract with the Trust on the date when nominations for the election close, will not be eligible to vote, stand for election or serve on Council.

Issue 12 – Exclusions.

Comments are invited on this revised requirement.



3. Conclusion.

This consultation paper has outlined the main issues identified in running the Canal & River Trust elections and some of the issues to be addressed in planning for future elections.

The Appointments Committee will welcome all views as they start planning for future elections. The consultation is open to anyone who wishes to contribute, whether or not they are currently eligible to vote.

Roger Hanbury
November 2013
Revised 17 January 2014

COUNCIL (1.2 Canal & River Trust Rules)

	Group	Initial number of Council Members		
		Elected	Nominated	Total
1	Private boating	4	1	5
2	Boating business	2		2
3	Volunteers	*	1	1
4	Other supporters – walkers, anglers, cyclists, neighbours, Friends, etc	*	4	4
5	Employees	1		1
6	Historic environment		2	2
7	Natural environment		2	2
8	Local government		2	2
9	Local Partnerships Chairs (including Museums & Attractions and All Wales Partnerships)			13 <i>Ex officio</i>
10	Co-options		3	3
Initial total				35

*Appointment by election may be implemented once the Appointments Committee considers a suitable database is available. An Election for a member of Council to represent Friends of the Trust will be run in 2014. An election for a member to represent Volunteers will run in 2016.

The Appointments Committee is responsible for:

- recommending Council constituencies (Article 27.2.1) that fairly reflects the diversity of beneficiaries and stakeholders of the Canal & River Trust (29.3)
- recommending whether seats should be filled by an election or nomination (27.2.2) up to a maximum of 50% being elected (29.3)
- identifying and appointing co-optees to the Council of Members to promote a suitable balance of knowledge, experience and representative qualities on Council. Such co-opted members will not comprise more than 5 people or 10% of Council whichever is the less at any one time (27.2.3)

There is a limit of 50 on the size of Council (29.2).